

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

In the Matter of the  
Complaint of

STEVE BOHLMANN, and FRAN  
BOHLMANN, as Owners of that  
certain SEA RAY Boat,  
Registration Number CF 5582  
PZ,

Plaintiffs,

NO. CIV. S-04-0205 WBS DAD

O R D E R

For Exoneration From or  
Limitation of Liability,

-----oo0oo-----

After reviewing the parties' Joint Status Report, the  
court hereby vacates the Status (Pretrial Scheduling) Conference  
scheduled for August 1, 2005, and makes the following findings  
and orders:

I. SETTLEMENT CONFERENCE

The parties have apprised the court that a final  
written settlement agreement was executed by all necessary  
persons and parties to this case in March 2005. Conditions  
precedent to fulfilling the terms of the settlement agreement  
were completed and settlement funds were deposited into an

1 escrow account. The parties represent that the settlement  
2 agreement is a "global settlement" in the sense that it covers  
3 both the instant lawsuit in this court as well as a related  
4 lawsuit in state court and ultimately establishes the basis for  
5 obtaining probate court approval of the settlement agreement.

6           However, the parties state that there are certain  
7 conditions subsequent to the full performance of the settlement  
8 agreement. Those conditions require either (1) an executed  
9 agreement between the claimants in this action setting forth  
10 their stipulation to an allocation of the settlement proceeds  
11 between them, or (2) a final judgment which specifies that  
12 allocation. Since the finalization of the settlement agreement,  
13 claimants Patricia C. Huestess and Bradley Charles Mathison have  
14 been unable to agree on the allocation of the settlement  
15 proceeds.


16           The parties have thus requested the court's assistance  
17 in addressing and resolving the allocation issue between the  
18 claimants so that an agreement or judgment for such allocation  
19 can be obtained and the parties may pursue final probate court  
20 approval of the settlement.

21           The court is reluctant to interject itself into a  
22 settlement agreement by entering a judgment as to the proper  
23 allocation of the proceeds between any of the claimants.  
24 However, in the interests of promoting settlement of the case,  
25 the court will set a Settlement Conference regarding the issue  
26 for September 8, 2005 at 10 a.m. before Magistrate Judge Dale.  
27 A. Drozd in Courtroom No. 27. Counsel are instructed to have a  
28 principal with full settlement authority present at the

1 Settlement Conference or to be fully authorized to settle the  
2 allocation issue on any terms. At least seven calendar days  
3 before the Settlement Conference, counsel for each party shall  
4 submit a confidential Settlement Conference Statement for review  
5 by the settlement judge. Those statements shall not be filed  
6 and will not otherwise be disclosed to the trial judge.

7 IT IS SO ORDERED.

8 DATED: July 27, 2005

9  
10 

11 WILLIAM B. SHUBB  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28